

IN THE HIGH COURT OF JUDICATURE OF MADRAS
DATED :11.06.2020
CORAM
THE HONOURABLE MR.JUSTICE.N.ANAND VENKATESH
Crl.O.P.No. 8484 of 2020

1. S. Arul
2. K. Ramkumar ... Petitioners

vs.

State rep. By
The Inspector of Police
Cuddalore OT Police Station,
Cuddalore District.
(Crime No. 329 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in connection with Crime No. 329 of 2020 on the file of the Inspector of Police, Cuddalore OT Police Station, Cuddalore District.

For Petitioners : Mr.S. C. Vishwanth

For Respondent : Mr. M. Mohamed Riyaz

ORDER

The petitioners/A6 & A7, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 4(1)(aa), 4(1-A), 4(1)(g) of the Tamil Nadu Prohibition Act, 1937, in Crime No.329 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that while conducting a prohibition raid by the respondent police, the petitioner was in possession of 50 liters of ID Arrack and it was seized by the respondent police.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous case pending against this petitioner.

4.This Court is of the opinion that the petitioners can be directed to deposit a sum of Rs.2,500/- (Rupees Two thousand five hundred only) as non-refundable deposit to the credit of Tamil Nadu Advocate Clerk Association, High Court, Madras, without prejudice to their rights and contentions before the trial Court.

5. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Cuddalore, on condition that the petitioners shall execute a separate bond for a sum of Rs.5,000/- (Rupees Five thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the **[*]both** petitioners shall deposit a sum of Rs.2,500/- (Rupees Two thousand five hundred only) each to the credit of Tamil Nadu Advocate Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157).

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
11/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

[*]Being mentioned and time granted for the petitioner to surrender is extended for further period of fifteen days from today, as per order of this Court dated 10/07/2020

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
CUDDALORE OT POLICE STATION,
CUDDALORE DISTRICT.

5 THE SECRETARY
TAMIL NADU ADVOCATE CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH,
A/C.NO.484026006,
IFSC CODE.IDIB000M157)

CC to S.C.VISHWANTH Advocate on payment of necessary charges

CRL OP.8484/2020

Date :11/06/2020

cs 09/07/2020